

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NATALIE MIMS,  
Plaintiff,

v.

CITY of PHILADELPHIA, *et al.*,  
Defendants.

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:  
: CIVIL ACTION  
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: NO. 09-4288  
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**Order**

YOHN, J.

And now, this 19<sup>th</sup> day of May, 2010, upon careful consideration of defendants' motion to dismiss plaintiff's first amended complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) (docket no. 8), plaintiff's response, and defendants' reply thereto, it is hereby **ORDERED** that the motion is **GRANTED IN PART AND DENIED IN PART** as follows:

(A) Plaintiff's amended complaint is **DISMISSED WITH PREJUDICE** to the extent that it seeks to assert: (1) equal protection or substantive due process claims against any defendant, (2) procedural due process claims against the individual defendants, (3) procedural due process claims against the City other than those related to the five-day suspension, (4) retaliation claims against defendants Alderman, Ferguson, and Galloway, and (5) a state law claim for wrongful discharge. Defendants Alderman, Ferguson, and Galloway are **DISMISSED** as parties to this action.

(B) The balance of the motion is **DENIED**.

(C) Plaintiff's remaining claims are: (1) her procedural due process claim against the City

arising out of her five-day suspension; (2) her retaliation claims against the City arising out of her five-day suspension and retaliatory denial of medical leave; and (3) her retaliation claim against Giannetta arising out of the written warning plaintiff received on August 1, 2008.

/s/ William H. Yohn Jr.  
William H. Yohn Jr., Judge